

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

Text of Adopted Regulations

In the following, underline indicates additional text and ~~strikethrough~~ indicates deleted text.

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

3000. Definitions.

Section 3000 is amended to alphabetically merge the definitions below with those that exist in the regulations.

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~~Designated Level II Housing means a housing facility encompassed by a facility security perimeter and constructed to provide celled housing for inmates with Level II classification scores.~~

~~Execution Type Murder describes the circumstances or manner of a fatal offense in which the victim is bound, cuffed, gagged, blindfolded, or forced to assume a position from which the victim is unable to resist or flee; the victim is shot at close range; or the manner of death demonstrates that the victim had no opportunity to defend himself or herself nor to flee.~~

Force, as applied to escape or ~~A~~attempted ~~E~~escape, refers to physical contact or threat of physical harm against a person to enable or attempt the escape.

~~High Notoriety describes an inmate who must be treated as a significant escape risk due to the unusual level of public panic that his or her escape would likely cause. The risk of public panic is based upon the nature or circumstance of the inmate's crime, the inmate's criminal history, the inmate's behavior in custody, and extensive or prolonged media coverage of the crime beyond the closest large city and its surrounding communities. A High Notoriety inmate is one who is perceived by the public to have criminal influence or access to significant amounts of money or drugs or power that may enable the inmate to escape, trigger a public disturbance, or victimize any person or a witness to their conviction offense. Bases for the High Notoriety designation include, but are not limited to, Execution Type Murder, Multiple Murders, mutilation of victims, an original sentence of Death, a sentence of Life Without the Possibility of Parole, a total term of 100 years or more.~~

Life Prisoner means a prisoner serving a sentence of 15 or 25 years to life whose sentence includes a term of life.

~~Management Concern means a behavior observed or documented in the inmate's criminal history that demonstrates to a classification committee that the inmate has a propensity towards violence against self~~

~~or others; has a history of inciting or pressuring others toward criminal behavior; preys on more vulnerable members of society; or portrays a level of criminal sophistication and/or access to large amounts of drugs, money, or power. This may include disruptive groups and prison gang members or affiliates.~~

~~Multiple Murders means the inmate killed or was involved in killing more than one victim during the commission of the crime for which the inmate is currently serving a Life term. This does not necessarily include an inmate who has killed more than one person during his or her criminal career.~~

Non-secure Facility means any of the following Departmental facilities: Minimum Support Facilities, Camps and Community Correctional Centers (i.e. Community Correctional Reentry Centers, Restitution Centers, Community Correctional Facilities, Drug Treatment Furlough, halfway back facilities, etc.); and comparable facilities in another law enforcement jurisdiction (i.e. county road camps, county detoxification center, etc.)

~~Public Interest Case is a case identified by a Classification Staff Representative as involving a High Notoriety describes an inmate whose crime/criminal history, public recognition, family ties, career or behavior in custody has resulted in extensive media coverage beyond the closest large city and its surrounding areas inmate who requires exceptional placement.~~

Security Concern means the inmate does not otherwise meet the Close Custody case factor criteria established in section 3377.2(b); however, based upon an Institution Classification Committee (ICC) review of all available case factors and disciplinary history, the inmate demonstrates an ongoing heightened security risk that potentially threatens institution safety and security and thereby warrants the direct and constant supervision provided by a Close Custody designation.

~~Unusual Violence describes the circumstances of an offense wherein the inmate acted to torture the victim over a period of time or intentionally made the victim endure great pain and suffering. A single act of stabbing, shooting, or beating of a victim does not necessarily qualify.~~

Note: Authority cited: Sections 2717.3, 3000.03, 5058 and 5058.3, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3450, 3550, 4570, 4576, 5009, 5054, 5068, 7000 et seq. and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Section 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; In re Bittaker, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; and Madrid v. Cate (U.S.D.C. N.D. Cal. C90-3094 TEH).

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Article 6.5. Intake, Release and Discharge of Inmates

3076.1. Recall of Commitment Recommendation Consideration Factors for Penal Code Section 1170(d).

For inmates meeting one or more of the recall eligibility requirements of section 3076(a), the Classification and Parole Representative, shall consider the following factors as may be applicable when recommending recall of commitment consideration for an inmate:

Subsections 3076.1(a) and 3076.1(b) are unchanged.

(c) The inmate is or is not designated as a Public Interest Case ~~high-notoriety case~~ by the Classification Staff Representative, or their placement has or has not been ordered by the Departmental Review Board because of an unusual threat to the safety of persons or public interest in the inmate's case.

Subsections 3076.1(d) through 3076.1(g) are unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 1170(d), 3043 and 5054, Penal Code.

3076.3. Recall of Commitment Recommendation Consideration Factors for Penal Code Section 1170(e).

For inmates meeting one or more of the recall eligibility requirements of section 3076(b), the Classification and Parole Representative (C&PR), shall consider the following factors as may be applicable when recommending recall of commitment consideration for an inmate:

Subsections 3076.3(a) and 3076.3(b) are unchanged.

(c) The inmate is or is not designated as a Public Interest Case ~~high-notoriety case~~ by the Classification Staff Representative, or their placement has or has not been ordered by the Departmental Review Board because of an unusual threat to the safety of persons or public interest in the inmate's case.

Subsections 3076.3(d) through 3076.3(j) are unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 1170(e), 3043 and 5054, Penal Code; and Martinez v. Board of Parole Hearings (2010) 183 Cal.App.4th 578.

Article 10. Classification.

3375. Classification Process.

(a) The classification process shall be uniformly applied, commencing upon reception of a person committed to the custody of the sSecretary and shall continue throughout the time the individual remains under the sSecretary's jurisdiction. Each inmate shall be individually classified in accordance with this article. Senate Bill 618 Participants, as defined in section 3000 and pursuant to subsection

3077.1(a)(1)(C), shall receive a preliminary classification at a county facility prior to reception at a departmental institution.

(b) The classification process shall take into consideration the inmate's needs, interests and desires, his/her behavior and placement score in keeping with the ~~d~~Department and institution's/facility's program and security missions and public safety.

(c) Each determination affecting an inmate's placement within an institution/facility, transfer between facilities, program participation, privilege groups, or custody designation shall be made by a classification committee composed of staff knowledgeable in the classification process.

Subsections 3375(d) and 3375(e) are unchanged.

(f) The classification of inmates shall provide the following procedural safeguards:

(1) Inmates shall be given written notice at least 72 hours in advance of a hearing which could result in an adverse effect. Adverse effect is defined as:

(A) Involuntary transfer to a higher security level institution/facility, which is not consistent with the inmate's placement score.

(B) Increase in the inmate's custody designation.

(C) Involuntary placement in segregated housing.

(D) Involuntary removal from an assigned program.

(E) Placement in a reduced work group.

(F) Involuntary transfer to another institution/facility because of the inmate's misbehavior or receipt of new information that may affect staff, inmates, the public, or the safety and security of the institution/facility, whether or not his/her placement score is consistent with the receiving institution's/facility's security level.

(G) Transfer of an inmate to a more restrictive institution or program where the security level is higher.

(2) Except as provided in subsection 3375(f)(3), the inmate shall be present at all initial classification committee hearings and at any other classification committee hearing which could result in an adverse effect upon the inmate.

(3) An in absentia (without inmate's presence) classification hearings may be held only when:

(A) The inmate refuses to appear before the committee.

(B) The inmate is physically incapable of appearing before the committee, or is determined by a psychiatrist to be mentally incompetent and cannot understand the purpose of the hearing.

(C) The purpose of the hearing is to:

1. Improve the inmate's conditions of confinement by reducing or removing a previously imposed restriction.
 2. Approve an action requested in writing by the inmate.
 3. Determine the need for scheduling, or to schedule, a future classification committee action.
- (4) If the inmate was not previously notified and during the classification committee hearing an unanticipated adverse effect emerges, the hearing shall be postponed for at least 72 hours and the inmate shall be referred to the inmate's counselor for assistance when the inmate is illiterate, or the issues are complex unless:
- (A) The hearing cannot be postponed because of safety or security factors.
 - (B) The inmate waives the 72-hour postponement.
- (5) The inmate shall be permitted to contest the preliminary score or placement score in the hearing.
- (6) Each inmate appearing before a classification committee shall be:
- (A) Introduced to the committee members.
 - (B) Informed of the purpose of the hearing.
 - (C) Encouraged to participate in the hearing discussion.
 - (D) Informed of the committee's decision.
- (7) Classification committee decisions shall be based on evaluation of available information and mutual agreement of the committee members.
- (g) Every decision of a classification committee shall be documented on a CDC Form 128-G, Classification Chrono.
- (1) ~~All~~ Each classification committee's documentation shall include, but not be limited to the following:
- (A) The reason or purpose for the committee hearing.
 - (B) The action taken.
 - (C) The specific reasons for the action including the information upon which the decision was based.
 - (D) The inmate's stated preferred action, the reasons for the preference, and his/her agreement or disagreement with the committee action.
 - (E) If applicable, the use of any reasonable accommodation to ensure effective communication.

(F) If during the committee discussion, a member of the committee disagrees with a decision or the basis for a decision reached by the committee, he or she may provide language to the recorder to document his or her opinion for inclusion in the CDC Form 128-G.

(G) The reason(s) for the omission of any of the classification procedural safeguards identified in subsection 3375(f).

(H) If an in absentia hearing is held, reason(s) for the inmate being absent.

(I) The name, title, and signature of the committee's chairperson.

(J) The names and titles of staff who participated in the decision.

(K) The name, title, and signature of the committee's recorder.

(L) The date of the action.

(2) In addition to the preceding, documentation for transfer reviews shall also include the following:

(A) The inmate's requested transfer preference(s) and stated reason(s) for preferring that location.

(B) The institution to which the committee recommends transfer with an alternate recommendation, if different from those requested by the inmate, and the specific reasons for both recommendations.

(C) A statement of the inmate's work group upon transfer based on adverse ~~on~~ or non-adverse transfer circumstances.

(3) When the inmate is treated under the ~~m~~Mental ~~h~~Health ~~s~~Services ~~d~~Delivery ~~s~~System (MHSDS) and is at the ~~e~~Enhanced ~~o~~Outpatient ~~p~~Program (EOP) or the ~~m~~Mental ~~h~~Health ~~e~~Crisis ~~b~~Bed (MHCB) level of care, regardless of the inmate's housing, a clinician is required as a committee member at all hearings. When the inmate is in segregated housing and treated under the MHSDS at any level of care, a clinician is required as a committee member at all hearings. Documentation shall include, but not be limited to the following: :

(A) The inmate's current medical/psychiatric status/level of care.

(B) MHSDS treatment needs.

(C) The inmate's ability to understand and participate in the classification hearing.

(4) In all hearings when the inmate is treated under the MHSDS and is housed in segregated housing, documentation shall include the requirements indicated in subsection 3375(g)(3) as well as the following:

(A) A clinical assessment of the inmate's likelihood of decompensation if retained in segregated housing.

(B) A summary of the clinical information provided by the clinician when an actively decompensating mentally ill inmate is recommended for transfer to a mental health program by the clinician and the decision of the committee is to retain the inmate in segregated housing.

(5) Documentation from each institution's initial classification reviews shall include the following case factors:

(A) Date of birth or age on the date of committee.

(B) Term ~~S~~status (first, second, etc.)

(C) County(ies) of commitment.

(D) Commitment offense(s) (include parole revocation offense(s) resulting in good cause/probable cause findings if a parole violator.)

(E) Length of sentence.

(F) When the inmate was received by the ~~d~~Department for the current incarceration.

(G) County of last legal residence.

(H) Escape related conviction(s).

(I) Current or potential hold(s).

(J) Arson related arrest(s) or conviction(s).

(K) Sex-related arrest(s) or conviction(s) by date.

(L) The current placement score, ~~and~~ security level, and custody designation.

(M) The reason(s) the inmate was transferred to the current location.

(N) Current eligibility status for special programs such as camp, minimum support facility, or community correctional facility, ~~community correctional reentry center, or restitution center.~~ If not eligible, the reason for each shall be noted.

(O) Current assignments (including work group and privilege group).

(P) Enemy, gang, or disruptive group concerns.

(Q) The existence of, and committee review of, confidential information.

(R) Any medical/psychiatric/disability concerns, including tuberculosis tracking code and date of the most current documentation.

(S) Any other pertinent case information and/or casework follow-up needed.

(6) Documentation for each classification committee review for transfer to the COCF program shall include the case factors listed in 3375(g)(5) and;

(A) Attorney consultation.

(B) Conviction history.

(h) An inmate shall be provided a copy of all non-confidential CDCR staff-generated documentation and reports placed in the inmate's central file unless otherwise requested in writing by the inmate.

(i) An inmate shall not remain at an institution/facility with a security level which is not consistent with the inmate's placement score unless approved by a Classification Staff Representative (CSR) or a staff person designated to serve in that capacity.

(j) A CDCR Form 839, (Rev. ~~12/02~~ 07/12), CDCR Classification Score Sheet, shall be prepared pursuant to section 3375.3 on each newly received felon.

(1) In completing the CDCR Form 839, all relevant documents available during the reception center process shall be reviewed, ~~the~~ The inmate shall be interviewed, informed of the purpose of the form, and ~~be~~ allowed to contest specific item scores and other case factors on the form. Factors for which documentation is absent or conflicting shall be discussed during the interview.

(2) The inmate is responsible for providing documentation to support their challenge of any information on the CDCR Form 839.

(3) An effort shall be made to obtain verifiable documentation of all items on the CDCR Form 839. The probation officer's report (POR) shall be the document of choice to resolve any conflicting information received. Credit shall be given only upon verifiable documentation and shall not be given based solely on an inmate's statements.

(4) A corrected CDCR Form 839 shall be initiated when the inmate or another party presents verifiable documentation to support the change. When the change results in a placement score which falls into the range for a different facility security level, the inmate's case shall be referred to a CSR for transfer consideration.

(k) A CDCR Form 840 (~~#Rev. 12/02~~ 07/12), CDCR Reclassification Score Sheet, shall be prepared pursuant to section 3375.4 as part of the regular, continuous classification process. If an inmate's recalculated placement score is not consistent with the institution/facility security level where the inmate is housed, the case shall be presented to a CSR for transfer consideration.

(1) A CDCR Form 840 shall be completed:

(A) Twelve months after the date that the inmate physically arrived in the reception center and annually thereafter.

(B) Any six-month period when favorable points are granted or unfavorable points are assessed which would cause the inmate's placement score to fall outside of the facility security level.

(C) Each time a case is presented to a CSR for placement consideration.

(2) A CDCR Form 841 (Rev. ~~12/02~~ 07/12), CDCR Readmission Score Sheet, shall be completed pursuant to section 3375.5 as part of the readmission process when a parolee is returned to prison.

(1) An automated needs assessment tool that identifies an inmate's criminogenic needs shall be administered pursuant to Section 3375.6.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.8, 3020, 5054, 5068 and 11191, Penal Code; Section 8550 and 8567, Government Code; and Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; Wright v. Enomoto (1976) 462 F. Supp. 397; Stoneham v. Rushen (1984) 156 Cal.App.3d 302; and Castillo v. Alameida, et al.,(N.D. Cal., No. C94-2847).

3375.1. Inmate Placement.

(a) Except as provided in section 3375.2, each inmate shall be assigned to a facility with a security level which corresponds to the following placement score ranges:

- (1) An inmate with a placement score of 0 through 18 shall be placed in a Level I facility.
- (2) An inmate with a placement score of 19 through ~~27~~ 35 shall be placed in a Level II facility.
- (3) An inmate with a placement score of ~~28~~ 36 through ~~54~~ 59 shall be placed in a Level III facility.
- (4) An inmate with a placement score of ~~52~~ 60 and above shall be placed in a Level IV facility.

(b) An inmate approved for transfer to a subfacility of a complex may be received and processed through a facility with a security level higher than that which is consistent with the inmate's placement score. Such cases shall be transferred to the subfacility when bed space allows or, when appropriate, recommended for an administrative determinant which prohibits movement to the lower security level facility.

(1) The case shall be presented to a classification staff representative (CSR) for evaluation within 30 days of receipt at the facility unless the inmate is on an approved waiting list maintained by the complex for placement of inmates at the approved subfacility.

(2) The transfer of an inmate for more than 30 days from one subfacility of a complex to another subfacility which has a different security level, shall require a ~~classification staff representative (CSR)~~ endorsement. When the subfacility's security level is consistent with the inmate's placement score, the classification and parole representative (C&PR) may act as a CSR.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3020, 5054, and 5068, Penal Code; Wright v. Enomoto(1976) 462 F Supp. 397; and Stoneham v. Rushen(1984) 156 Cal. App. 3d 302.

3375.2. Administrative Determinants.

(a) An inmate meeting one or more of the following administrative or irregular placement conditions, known as administrative determinants, may be housed in a facility with a security level which is not consistent with the inmate's placement score:

- (1) An inmate requires an outpatient or higher degree of medical or psychiatric care at a facility specifically staffed for the type of treatment necessary.
- (2) An inmate with a history of sex crimes designated in section 3377.1(b) shall be housed in accordance with their placement score and shall not be assigned outside the security perimeter.
- (3) An inmate with a history of arson shall not be housed in a facility constructed primarily of wood.
- (4) An inmate with a felony hold, warrant, detainer, or the equivalent thereof filed with the ~~d~~Department who is likely to receive a significant period of consecutive incarceration or be deported, shall not be housed in a Level I facility without perimeter gun towers.
- (5) An inmate requires confidential placement in ~~a city or county confinement facility within the state~~ another correctional jurisdiction.
- (6) An inmate serving a sentence of life without possibility of parole (LWOP) shall not be housed in a facility with a security level lower than Level ~~IV~~ III, except when authorized by the Departmental Review Board (DRB). When a Level III male inmate serving a sentence of LWOP is housed in a Level III institution, he shall be housed in a 270°-design facility (i.e., a facility allowing for a 270° field of view for control booth staff). Inmates serving ~~life without the possibility of parole~~ LWOP in need of urgent or emergent medical or psychiatric care may be transferred to a celled in-patient medical or mental health bed pending DRB approval. The DRB shall review the case within 30 days of the transfer.
- (7) ~~An inmate serving any life term shall not be housed in a Level I or II facility if any of the following case factors are present:~~ An inmate identified as a serial killer shall be excluded from Level I or Level II placement even if his or her convictions for murders are prosecuted separately.
- (A) ~~The commitment offense involved multiple murders, unusual violence or execution type murders or received high notoriety.~~
- (B) ~~A history of multiple walkaways, an escape from a secure perimeter or an escape with force or threat of force.~~
- (8) An inmate serving a life term ~~without an established parole date of three years or less,~~ shall not be housed in a Level I facility nor assigned to a program outside a security perimeter. Exceptions may only occur when Board of Parole Hearings (BPH) grants parole, the release date is within 3 years, and the Governor's Office has completed its review and either formally approved parole or taken no action. When all three conditions are met and the inmate is otherwise eligible for a custody reduction, the inmate shall be evaluated by an ICC for the custody reduction.
- (9) An inmate serving a life term whose placement score is not consistent with a Level I or II security level shall not be housed in a Level I or Level II facility except when approved by the Departmental Review Board.
- 10) An inmate whose death sentence is commuted or modified shall be transferred to a reception center for processing after which the Departmental Review Board shall determine the inmate's initial facility placement.

11) An inmate with a case factor described in sections 3377.2(b)(2)(A), 3377.2(b)(2)(B) or 3377.2(b)(2)(C), shall be ineligible for minimum custody. An inmate with a history of one or more walkaways from nonsecure settings, not to include Drug Treatment Furlough and Community Correctional Reentry Centers, shall not be placed in minimum custody settings for at least 10 years following the latest walkaway.

(b) The following three-letter codes are used to indicate those administrative or irregular placement conditions known as administrative determinants, which may be imposed by ~~d~~Departmental officials to override the placement of an inmate at a facility according to his/her placement score.

(1) AGE. Inmate's youthfulness, immaturity or advanced age.

(2) ARS. Current conviction, prior conviction, or a sustained juvenile adjudication, as defined in subdivision (b)(~~26~~)(A 25), for arson.

(3) BEH. Inmate's record of behavior indicates they are capable of successful placement at a facility with a security level lower than that which is consistent with his/her placement score. This factor shall not be used for an inmate who is currently housed at a facility with a security level higher than that which is consistent with his/her placement score.

(4) CAM. Placement is recommended due to a shortage of camp qualified inmates.

(5) DEA. Inmate was formerly or is currently sentenced to death.

(6) DEP. Special placement ordered by the Departmental Review Board.

(7) DIS. Inmate's disciplinary record indicates a history of serious problems or threatens the security of the facility.

(8) ENE. Inmate has one or more enemies under the ~~d~~Department's jurisdiction which have been documented on a CDC Form 812 (Rev. 8/01), Notice of Critical Case Information -Safety of Persons or on a CDC Form 812-C (Rev. 8/01), Notice of Critical Information -Confidential Enemies pursuant to section 3378. This should also be used when it is probable that the inmate may be victimized due to case factors; e.g., the nature of their offense is likely to create an enemy situation at certain facilities, current Protective Housing Unit case, and those who are natural victims because of their appearance.

(9) ESC. Unusual circumstances suggest the inmate is a much greater escape risk than indicated by his/her placement score; e.g., the inmate verbalized an intent to escape.

(10) FAM. Inmate has strong family ties to a particular area where other placement would cause an unusual hardship.

(11) GAN. Documentation establishes that the inmate's gang membership or association requires special attention or placement consideration.

(12) INA. Documentation establishes that the inmate's inactive gang status requires special attention or placement consideration.

(13) HOL. Hold, warrant or detainer is likely to be exercised.

(14) LIF. Inmate is serving a life sentence and requires placement in a facility with a security level higher than that indicated by his/her placement score.

(15) MED. Inmate's medical condition requires treatment or continuing medical attention not available at all facilities.

(16) OUT. Inmate requires placement at a specific facility for an out-to-court appearance. This factor shall also be used when a releasing authority appearance is nearing.

(17) POP. Shall be used only by a CSR to indicate that no beds presently exist at a facility with a security level that is consistent with the inmate's placement score.

(18) PRE. The short time remaining to serve limits or otherwise influences placement or program options for the inmate. This factor shall also be used for sending an inmate to a hub facility for their release to a community based correctional facility.

(19) PSY. Inmate's psychological condition requires special treatment or may severely limit placement options. This factor shall also be used for those inmates who are designated as Category B.

(20) PUB. Shall be used only by a CSR to indicate High notoriety of an inmate is identified as a has caused Public Interest in the Cease as defined in section 3000 and requires exceptional placement.

(21) SCH. Inmate is involved in an academic program which is not available at a facility with a security level that is consistent with his/her placement score.

(22) SEC. Shall be used only by a CSR to indicate that the inmate has been designated as a Security Concern by an ICC and requires Close B Custody.

(23 22) SEX. Inmate has a prior incidence of rape, oral copulation, sodomy, or a lewd and lascivious act which requires restricted custody or placement.

(24 23) SOR. Inmate's bisexual or homosexual orientation may require special placement.

(25 24) TIM. Inmate's time to serve is long, requiring placement at a facility with a security level higher than that which is consistent with his/her placement score.

(26 25) VIO. Inmate has a current or prior conviction for a violent felony, or a sustained juvenile adjudication including, but not limited to, those listed under Penal Code section 667.5(c), which, as determined by the CSR, requires placement in a facility with a higher security level than that indicated by his/her placement score.

(A) For the purposes of this subdivision, a "sustained juvenile adjudication" means a guilty determination or ruling rendered in a juvenile judicial proceeding.

(B) The following administrative determinations regarding allegations of violent acts, including but not limited to those offenses described in Penal Code Section 667.5(c), shall have the same force and effect as a current or prior conviction for a violent felony or a sustained juvenile adjudication:

1. Board of ~~Prison Terms~~ Parole Hearings or Parole Hearings Division good cause finding or probable cause finding, or;

2. California Youth Authority/Division of Juvenile Justice/Youth Offender Parole Board sustained allegation.

(C) A probation or Post-Release Community Supervision violation finding in a court of law involving, but not limited to those offenses described in Penal Code Section 667.5(c), shall have the same force and effect as a current or prior conviction in a court of law for a violent felony.

(~~27~~ 26) VOC. Inmate is involved in a vocational program which is not available at a facility with a security level which is consistent with the inmate's placement score.

(~~28~~ 27) WOR. Inmate has a work skill in a critical trade which warrants special placement consideration.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections ~~3450~~, 5054 and 5068, Penal Code; Sandin v. Connor (1995) 515 U.S. 472; Madrid v. Gomez (N.D. Cal. 1995) 889 F.Supp.1146; Wright v. Enomoto (N.D. Cal. 1976) 462 F.Supp.397; and Stoneham v. Rushen (1984) 156 Cal.App.3d 302.

3375.3. CDCR Classification Score Sheet, CDCR Form 839, Calculation.

Notice to Printer: Delete picture of the CDC Form 839 (12/02), CDC Classification Score Sheet

This section incorporates by reference CDCR Form 839 (Rev. 07/12), Classification Score Sheet.

The factors and related numerical weights used to determine an inmate's preliminary score are listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

(a) Background factors (Boxes 30-46):

(1) Age at first arrest (Boxes 30-31).

(A) Calculate the inmate's age at first arrest based on the date of the inmate's first arrest. If there is no record of arrests prior to the commitment offense, use the date of arrest for the commitment offense as the date of the inmate's first arrest on CDCR Form 839 (Rev. 07/12 ~~12/02~~), CDCR Classification Score Sheet.

(B) When the age of first arrest is determined, round down to the full year, and apply that information to the ~~a~~Age at ~~f~~First ~~a~~Arrest matrix on CDCR Form 839.

(C) Enter the corresponding point value in boxes to the right.

(D) Enter all single digit numbers in the box to the far right.

(2) Age at Reception (Box 32).

(A) When the inmate's age at reception is determined, round down to the full year; and apply that information to the Age at Reception matrix.

(B) Enter the corresponding point value in the box to the right.

(C) This is always a single digit value.

(3) ~~Current term of incarceration~~ Term points (term in years x 2) (Boxes 33-34):

(A) ~~Length of term.~~ Presentence and postsentence credits shall not be subtracted from length of term. A sentence of death or life without possibility of parole shall result in a maximum score of 50. For sentences of 25 years-to-life for murder, the base term is 25 years. For sentences under Penal Code section 667.7 with a term of life without parole for 20 years, the base term is 20 years. For all other life sentences, the base term is 15 years. Any enhancements or ~~determinant~~ determinate terms for other counts or offenses to be served consecutive to a life term shall be added to the base term before calculation of the term score.

(B) Enter term in whole years within the parentheses.

1. Multiply the number of years by two (2).

2. Enter this value in Boxes 33-34.

3. Any single digit value is entered in the box to the far right.

4. If the score is more than 50, then 50 shall be used as the final term score.

(C) If, subsequent to endorsement of the CDCR Form 839, the inmate receives a new term, record the change in term points, if any, on a CDCR Form 840 (Rev. 07/12), Reclassification Score Sheet, as a result of this new term. Do not correct the CDCR Form 839.

Subsection 3375.3(a)(4) is unchanged.

~~(5) Mental Illness (Boxes 39-43 Box 43). If a CDC 128-C, (Rev. 4/92) Mental Health Placement Chrono, has been prepared in the reception center that indicates that the inmate needs to be included in the Mental Health Services Delivery System (MHSDS), except for a case designated as Medical Necessity, enter four (4) points in Box 43 to the right. Do not make an entry in Box 43 during intake processing. This box is only used during the CDCR 839 correction process to remove previously-assessed Mental Illness points.~~

~~(A) Do not assess points for a case that has been designated Medical Necessity although the inmate is included in the MHSDS.~~

~~(B) Level of care (Boxes 39-42). Enter an "X" in the box that indicates the level of care (LOC) that has been designated by the reception center health care staff per the inmate's CDC 128-C.~~

(6) Prior sentences (Box 44). This item requires a review of the probation officer's report (POR) and the CI&I/CLETS in order to identify prior sentences of 31 days or more. Apply no more than one point.

(A) Jail or county juvenile sentence of 31+ days (Box 44).

1. Count any sentence of 31 days or more. Do not include suspended sentences or sentences for violations of Post-Release Community Supervision or parole.
2. Count any incarceration under a delinquency petition which involves a crime rather than “status offender” placements. For example, “beyond parental control” should not be counted. Burglary, however, would be counted.
3. Count CDCR placements for diagnostic evaluation pursuant to Penal Code Section 1203.03 “Z” cases, followed by a grant of probation.

(7) Prior Incarceration(s) (Boxes 45-46)

(A) Division of Juvenile Justice (formerly California Youth Authority), state or federal level juvenile, which includes state or federal facilities for juvenile offenders (Box 45).

(B) CDCR, California Rehabilitation Center, adult state, federal level (Box 46):

1. Count any state or federal level incarceration.
2. Count previous commitments to the civil addict program.

(8) Correction to CDC 839 Score Sheet (Prior to Rev. 07/02) (Boxes 47-49)

1. Use this section to correct a CDC 839 score sheet with a form revision date prior to 07/02.
2. This area shall not be used for changes or adjustments to term points.
3. Enter only the total correction to the score, either negative or positive, in the boxes provided.

(b) Prior Incarceration Behavior (Boxes 50 through 64):

(1) Last 12 months of Incarceration (Boxes 50-52). Prior incarceration behavior in any correctional agency shall include the last 12 consecutive months in custody, prior to the date that the inmate was received in CDCR, going as far back as necessary to attain a total of 12 months. This includes behavior while in county jail, after conviction, or during transportation to the reception center. For example, behavior while incarcerated in juvenile hall, federal prison, or while serving a civil addict commitment shall also be counted.

(2) Twelve months of incarceration is also defined as 360 days. For ease and consistency of rule application, a month is considered a 30-day month.

(A) Only misbehavior which is equivalent to a serious rule violation, as defined in section 3315, shall be recorded.

(B) If the inmate has a prior incarceration for 12 months or more but adequate documentation of the inmate's behavior is not available, four (4) favorable points shall be granted.

1. If behavioral information becomes available later, these items may need to be corrected.

(3) Favorable prior behavior (Box 50):

(A) If the inmate had no serious disciplinary(s) in the last 12 months of incarceration(s), four points shall be entered in Box 50.

(B) If there is no record of unfavorable prior behavior, enter four (4) favorable points in Box 50.

(4) Unfavorable prior behavior (Boxes 51-52).

(A) For each serious disciplinary in the last 12 months of incarceration(s), four points shall be entered in Boxes 51-52.

(B) Serious Disciplinary History (Boxes 53-64).

A single serious disciplinary may result in the assessment of points on the classification score sheet for more than one factor listed in subsections 3375.3(b)(4)(C) through (H). Assess points for behavior for which the inmate was found guilty and for behavior that occurred during any prior incarceration, if the behavior meets the definitions below even if it occurred beyond the last 12 months of incarceration.

(C) For each battery on a nonprisoner or attempted battery on a nonprisoner, eight points shall be entered in Boxes 53-54.

1. Battery shall include any offense described in section 3005(ed).

(D) For each battery or attempted battery on an inmate, four points shall be entered in Boxes 55-56. Assessments shall only include situations where one or more inmates are clearly the victim.

(E) For each involvement in the distribution of any controlled substance, per subsection 3323(c)(76), into a jail or correctional facility for distribution and sales, four points shall be entered in Boxes 57-58. Points shall not be assessed for incidents of personal use or possession of a small quantity of drugs.

(F) For each possession of a deadly weapon:

1. Four points shall be entered in Boxes 59-60 for each well documented incident of an inmate's manufacture or possession of a deadly weapon where apparent use was intended (~~D~~does not include possession of commonly available and unmodified objects unless used as a weapon and this fact is documented in the disciplinary hearing process). Include possession of a razor blade (whether modified or not) in a segregated program-housing unit (e.g. Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.); or,

2. Eight points shall be entered in Boxes 59-60 for each possession of a deadly weapon incident, which occurred within five years of the inmate's reception to the ~~d~~Department on the current term.

(G) For each instance of a leadership role in deliberate and willful behavior which might lead to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, as described in section 3005 (~~typically,~~ this involves a leadership role in a facility riot, racial disturbance or work strike), four points shall be entered in Boxes 61-62.

(H) For each battery that caused serious bodily injury, 16 points shall be entered in Boxes 63-64. Inmates who conspired in or ordered the battery shall also receive these points.

1. Serious bodily injury is that which is defined in section 3000.

2. Any attempt, which may have been life-threatening but circumstances such as heavy clothing prevented the homicide, shall be included.

(c) Preliminary Score (Boxes 65-67).

(1) The inmate's preliminary score is entered in Boxes 65-67 and is the result of adding the total points derived from background factors in subsection (a) with the total points derived from prior incarceration behavior in subsection (b).

(2) Right-justify the total score.

(3) Computations, which result in a minus value, shall be entered as zero.

(d) ~~Mandatory Minimum Score, Score Factors, and Score Factor Codes~~ and Mandatory Minimum Score (Boxes 68-70):

(1) A mandatory minimum score is a score that is applied to an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

(2) A mandatory minimum score factor is a case factor that requires the application of a mandatory minimum score.

(3) A mandatory minimum score factor code is ~~an alpha~~ a numeric code associated with a mandatory minimum score factor.

(A) If an inmate has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 68.

(B) If one or more mandatory minimum score factors are present, determine which of the factors is associated with the highest score and enter that code in Box 68.

(C) Enter the mandatory minimum score that corresponds to the selected code in Boxes 69-70.

(e) Placement Score (Boxes 71-73).

(1) If there are no case factors that require a mandatory minimum score, enter the preliminary score as the placement score.

(2) If a mandatory minimum score has been applied, and it is greater than the preliminary score, enter the mandatory minimum score as the placement score.

(3) If a mandatory minimum score has been applied, and it is less than the preliminary score, enter the preliminary score as the placement score.

(f) Special Case Factors (Boxes 74-76)

(1) In Box 74, enter “A” if the inmate has an active felony hold, warrant, or detainer. Enter “P” if the inmate has a potential felony hold, warrant, or detainer. If the inmate has both an active and a potential felony hold, warrant, or detainer, enter “A”.

(2) In Box 75, enter “A” if the inmate has an active United States Immigration and Customs Enforcement (USICE) detainer. Enter “P” if the inmate has a potential USICE detainer.

(3) In Box 76, enter “R” if the inmate meets the criteria for an “R” suffix per section 3377.1(b).

(g) Classification Staff Representative Action (Boxes 95-159):

(1) The CSR determines appropriate housing in keeping with departmental needs, safety and security, the inmate's placement score and administrative determinants. The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants.

(A) Up to five administrative determinants may be entered in Boxes 134-148.

1. Reason for any administrative or irregular placement (Boxes 157-159).

2. Entered only if the facility's security level where the inmate is placed is not consistent with his/her placement score.

(B) Enter one of the administrative determinant's three-letter code from section 3375.2.

(2) CSR approval of an administrative or irregular placement (administrative determinant) is valid only as long as the inmate's placement score remains within the same facility security level as when the approval was given.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3450, 5054 and 5068, Penal Code; Wright v. Enomoto (1976) 462 F Supp. 397; Stoneham v. Rushen (1984) 156 Cal. App. 3d 302; and Castillo v. Alameida, et al. (N.D. Cal., No. C94-2847).

3375.4. CDCR Reclassification Score Sheet, CDCR Form 840, Calculation.

Notice to Printer: Delete picture of the CDC Form 840 (12/02), CDC Reclassification Score Sheet

This section incorporates by reference CDCR Form 840 (Rev. 07/12), Reclassification Score Sheet.

The factors and their related numerical weights used to recalculate an inmate's preliminary score or new preliminary score are listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

(a) Favorable behavior since last review (Boxes 46-51). The categories below provide favorable points for six-month intervals. For an annual reclassification review, two six-month periods may be counted. When an inmate's status is interrupted during the period without inmate fault, the period shall be considered continuous.

(1) For each six-month period of continuous minimum custody, four points shall be entered in Boxes 46-47.

(2) For each six-month period since the last review with no serious disciplinary(s), two points shall be entered in Boxes 48-49.

(3) For each six-month period with an average or above performance in work, school or vocational program, two points shall be entered in Boxes 50-51.

(A) Part-time assignments which, when work/program hours are added together, are equivalent to a full-time assignment shall be combined.

(B) Favorable points shall not be granted for average or above ~~average~~ performance for inmates who are not assigned to a program.

(b) Unfavorable behavior since last review (Boxes 52-69):

(1) For each serious misbehavior for which the inmate was found guilty during any six-month review period, apply eight points for a Division A-1 or A-2 offense; apply six points for a Division B, Division C, or Division D offense; apply four points for a Division E or Division F offense. Only misbehavior which is equivalent to a serious rule violation as defined in section 3315, shall be recorded in Boxes 52-57. This includes behavior while in the county jail or conduct that occurred while the inmate was housed in another state or federal jurisdiction.

(A) Do not include any administrative rule violations.

(B) When the serious misbehavior also includes other factors listed in subsections (2) through (7) below, assess additional points for each applicable factor.

(2) For each battery on a nonprisoner or attempted battery on a nonprisoner during any six-month review period, eight points shall be entered in Boxes 58-59.

(A) Battery means any offense as described in section 3005(e d) where criminal prosecution had, or would normally have, taken place.

(3) For each battery on an inmate or attempted battery on an inmate during any six-month review period, four points shall be entered in Boxes 60-61.

(A) Refers to situations where one or more inmates are clearly the victim. ~~Usually results in some injury involving a group attack or some type of weapon.~~

(B) Do not include mutual combat where both inmates were co-responsible.

(4) For each incident involving the distribution of any controlled substance, per subsection 3323(c)(7 ~~6~~), in an institution/facility or contract health facility, for distribution and sales, four points shall be entered in Boxes 62-63. Points shall not be assessed for personal use or possession of a small quantity of drugs, or being under the influence.

(5) For each well-documented serious misbehavior for possession of a deadly weapon where apparent use was intended, 16 points shall be entered in Boxes 64-65. Points shall not be assessed for possession of commonly available and unmodified objects, unless they were used as weapons and that fact is documented in the disciplinary report. Include possession of a razor blade (whether modified or not) in a segregated program-housing unit (e.g., Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.).

(6) For each serious disciplinary where the inmate led a facility riot, racial disturbance or work strike, four points shall be entered in Boxes 66-67. Include any willful and deliberate behavior which may have led to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in section 3005.

(7) For each battery that caused serious bodily injury, 16 points shall be entered in Boxes 68-69. Inmates who conspired in or ordered such battery shall receive the same points.

(A) Serious bodily injury is that which is defined in Section 3000.

(B) Any attempted battery which may have been life threatening but circumstances such as heavy clothing prevented the homicide shall be included.

(c) Correction to CDC 840 Reclassification Score Sheet (Prior to Rev. 07/02) (Boxes 70-72).

(1) Use this section to correct a CDC 840 Score Sheet with a form revision date prior to 07/02.

(2) Enter only the total correction to the score, either negative or positive, in boxes provided.

(d) Prior Preliminary Score (Boxes 73-75):

(1) The prior preliminary score is the calculated score that appears on the most current classification score sheet. Enter that value in Boxes 73-75.

(2) When the most current score appears on the CDC Classification Score Sheet, CDC Form 839, (Rev. 07/02-12/02) or later, enter the value from that score sheet that is the preliminary score.

(3) When the most current score appears on the CDC Reclassification Score Sheet, CDC Form 840, (Rev. 07/02-12/02) or later, enter the value from that score sheet that is the new preliminary score.

(4) When the most current score appears on the CDC Readmission Score Sheet, CDC Form 841, (Rev. 07/02-12/02) or later, enter the value from that score sheet that is the new preliminary score.

(e) Net Change in Score (Boxes 76-78):

(1) Combine the total favorable points (item C.4.) with the total unfavorable points (item D.8). Enter the total as a plus or minus value for net change in score.

(f) Preliminary Score Subtotal:

(1) The prior preliminary score subtotal is the combined value of the prior preliminary score and the net change in score.

(2) Record this value on the line provided.

(3) Computations that result in a minus value shall be entered as zero.

(g) Change in term points (Boxes 79-81):

(1) When an inmate receives a new or additional sentence to prison which changes the total term length, two points shall be added or subtracted for each year of difference between the new term and the old term. The resultant plus or minus figure is the change in term points.

(2) When the Board of ~~Prison Terms~~ Parole Hearings establishes a parole date for an inmate with a life sentence:

(A) The total projected incarceration time in years and months is the term length.

(B) Multiply the total term length in years by two (2).

(C) Determine the difference between the new term points and the old term points. The resultant plus or minus figure is the change in term points.

(3) For parole violators: If a parole violator receives a new term after the CDCR Form 841 (Rev. 07/12-12/02) has been endorsed, the prior term points shall be given a minus value and combined with new term points. The difference is the change in term points.

(4) Do not record a change in term points unless there is a change in the total term.

Subsection 3375.4(h) is unchanged.

(i) Mandatory Minimum Score, ~~Score Factors, and Score Factor Codes~~ and Mandatory Minimum Score (Boxes 85-87):

(1) A mandatory minimum score is a score that is applied to an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

(2) A mandatory minimum score factor is a case factor that requires the application of a mandatory minimum score.

(3) A mandatory minimum score factor code is an ~~alpha~~ numeric code associated with a mandatory minimum score factor.

(A) If an inmate has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 85.

(B) If one or more mandatory minimum score factors are present, determine which of the factors is associated with the highest score and enter that code in Box 85.

(C) Enter the mandatory minimum score that corresponds to the selected code in Boxes 86-87.

(j) Placement Score (Boxes 88-90).

(1) If there is no case factor requiring a mandatory minimum score, enter the new preliminary score as the placement score.

(2) If a mandatory minimum score is applied, and it is greater than the new preliminary score, enter the mandatory minimum score as the placement score.

(3) If a mandatory minimum score is applied, and it is less than the new preliminary score, enter the new preliminary score as the placement score.

(4) The placement score is the primary factor ~~one of the factors~~ used to determine the security level to which the inmate is assigned.

(k) Special Case Factors (Boxes 91-93)

(1) In Box 91, enter "A" if the inmate has an active felony hold, warrant, or detainer. Enter "P" if the inmate has a potential felony hold, warrant, or detainer. If the inmate has both an active and a potential felony hold, warrant, or detainer, enter "A".

(2) In Box 92, enter "A" if the inmate has an active United States Immigration and Customs Enforcement (USICE) detainer. Enter "P" if the inmate has a potential USICE detainer.

(3) In Box 93, enter "R" if the inmate meets the criteria for an "R" suffix per section 3377.1(b).

(4) Enter "*" to remove a previous entry in Boxes 91-93 that no longer applies.

(l) Classification Staff Representative (Boxes 115-188):

(1) The CSR determines appropriate housing in keeping with ~~d~~Departmental needs, safety and security, the inmate's placement score and administrative determinants. The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants.

(A) Up to five administrative determinants may be entered in Boxes 159-177.

1. An asterisk (*) shall be placed in the box adjacent to each administrative determinant which is being removed (i.e., no longer valid).

2. Reason for administrative or irregular placement (Boxes 186-188).

(B) Entered only if the facility's security level where the inmate is placed is not consistent with the inmate's placement score.

(C) Enter one of the administrative determinant's three-letter code from section 3375.2.

(2) CSR approval of an administrative or irregular placement is only valid as long as the inmate's placement score remains within the same facility security level score range as when the approval was given.

(m) An inmate whose CDCR term has been discharged due to the conviction being vacated on appeal who is then re-convicted and returned to CDCR custody for the same crime event shall be considered for a one-time point adjustment commensurate with the net change in points attributable to positive and/or negative behavior achieved during the original associated CDCR term.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code; Wrightv. Enomoto(1976) 462 F.Supp. 397; and Stonehamv. Rushen(1984) 156 Cal.App.3d 302.

3375.5. CDCR Readmission Score Sheet, CDCR Form 841, Calculation.

Notice to Printer: Delete picture of the CDC Form 841 (12/02), CDC Readmission Score Sheet

This section incorporates by reference CDCR Form 841 (Rev. 07/12), Readmission Score Sheet.

The factors and their related numerical weights used to recalculate an inmate's preliminary score upon readmission to the Department are listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

Subsection 3375.5(a) is unchanged.

(b) Unfavorable behavior since last review (Boxes 54-71):

(1) For each serious misbehavior for which the inmate was found guilty during a six-month review period, apply eight points for a Divisions A-1 or A-2 offense; apply six points for a Division B, Division C, or Division D offense; apply four points for a Division E or Division F offense in Boxes 54-59. Only misbehavior that is equivalent to a serious rule violation, as defined in section 3315, shall be recorded. This includes behavior while in the county jail or conduct that occurred while the inmate was housed in another state or federal jurisdiction.

(A) Do not include any administrative rule violations.

(B) When the serious misbehavior also includes other factors listed in subsection (2) through (7) below, assess additional points for each applicable factor.

(2) For each battery on a non-prisoner or attempted battery on a non-prisoner during any six-month review period, eight points shall be entered in Boxes 60-61.

(3) Battery means any offense as described in section 3005(e d) where criminal prosecution had, or would normally have taken place.

(4) For each battery on an inmate or attempted battery on an inmate during any six-month review period, four points shall be entered in Boxes 62-63.

(A) Refers to situations where one or more inmates are clearly the victim. ~~Usually results in some injury involving a group attack or some type of weapon.~~

(B) Do not include mutual combat where both inmates were co-responsible.

(5) For each incident involving the distribution of any controlled substance, per subsection 3323(c)(7 6), in an institution/facility or contract health facility, for distribution and sales, four points shall be entered in Boxes 64-65. Points shall not be assessed for personal use or possession of a small quantity of drugs, or being under the influence.

(6) For each well-documented serious disciplinary for possession of a deadly weapon where apparent use was intended, 16 points shall be entered in Boxes 66-67. Points shall not be assessed for possession of commonly available and unmodified objects, unless they were used as weapons and that fact is documented in the disciplinary report. Include possession of a razor blade (whether modified or not) in a segregated program-housing unit (e.g., Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.).

(7) For each serious disciplinary where the inmate led a facility riot, racial disturbance or work strike, four points shall be entered in Boxes 68-69. Include any willful and deliberate behavior that may have led to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in section 3005.

(8) For each battery that caused serious bodily injury, 16 points shall be entered in Boxes 70-71. Inmates who conspired in or ordered the battery shall receive the same points.

(A) Serious bodily injury is that which is defined in Section 3000.

(B) Any attempted battery which may have been life threatening but circumstances such as heavy clothing prevented the homicide shall be included.

(c) Prior Preliminary Score (Boxes 75-77):

(1) The prior preliminary score is the calculated score that appears on the most current classification score sheet. Enter that value in Boxes 75-77.

(2) When the most current score appears on the CDC Form 839 (Rev. (Rev. ~~07/02-12/02~~) or later, CDC Classification Score Sheet, enter the value from that score sheet that is the preliminary score.

(3) When the most current score appears on the CDC Form 840, (Rev. ~~07/02-12/02~~) or later, CDC Reclassification Score Sheet, enter the value from that score sheet that is the new preliminary score.

(4) When the most current score appears on the CDC Form 841, (Rev. ~~07/02-12/02~~) or later, CDC Readmission Score Sheet, enter the value from that score sheet that is the new preliminary score.

(d) Net Change in Score (Boxes 78-80):

Combine the total favorable points (item C.4.) with the total unfavorable points (~~item D.8.~~). Enter the total as a plus or minus value for net change in score.

Subsection 3375.5(e) is unchanged.

(f) Change in term points (Boxes 81-83):

(1) If, during reception center processing, the inmate has been designated as a PVRTC, do not enter a value. This area is left blank for an inmate who has returned as a parole violator without a new term.

(2) If, subsequent to reception center processing, the parole violator receives a new term, record the change in term points, if any, on a CDCR Form 840 (Rev. ~~07/12 12/02~~), Reclassification Score Sheet, as a result of this new term. Do not correct the CDCR Form 841.

(3) If, during reception center processing, the inmate has been designated as a PVWNT, the prior term points shall be given a minus value and combined with the new term points. To determine the new term points, multiply the number of whole years times two. Drop months from the calculation.

(4) Any term point adjustments that may have been recorded on a previous CDC Form 840 or CDC Form 841 must also be taken into consideration to determine the final total change in term points.

(5) Determine the difference between the new term points and the old term points. The resultant plus or minus figure is the change in term points.

(6) A change in the term points is recorded only if there is a change in the total term length.

(g) New Preliminary Score (Boxes 84-86):

(1) The inmate's new preliminary score is the result of combining the preliminary score subtotal with the change in term points (if any).

(2) Right-justify the total.

(3) Computations that result in zero or a minus value shall be entered as zero.

(h) ~~Mandatory Minimum Score, Score Factors, and Score Factor Codes~~ Mandatory Minimum Score (Boxes ~~88~~ 87-89):

(1) A mandatory minimum score is a score that is applied to an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

(2) A mandatory minimum score factor is a case factor that requires the application of a mandatory minimum score.

(3) A mandatory minimum score factor code is an ~~alpha~~ numeric code associated with a mandatory minimum score factor.

~~1.~~ (A) If an inmate has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 87.

~~2.~~ (B) If one or more mandatory minimum score factors is present, determine which of the factors is associated with the highest score and enter that code in Box 87.

~~3.~~ (C) Enter the mandatory minimum score that corresponds to the selected code in Boxes 88-89.

(i) Placement Score (Boxes 90-92)

(1) If there are no case factors that require a mandatory minimum score, enter the new preliminary score as the placement score.

(2) If a mandatory minimum score has been applied, and it is greater than the new preliminary score, enter the mandatory minimum score as the placement score.

(3) If a mandatory minimum score has been applied, and it is less than the new preliminary score, enter the new preliminary score as the placement score.

(4) The placement score is the primary factor ~~one of the factors~~ that is used to determine the security level to which the inmate is assigned.

(j) Special Case Factors (Boxes 93-95)

(1) In Box 93, enter "A" if the inmate has an active felony hold, warrant, or detainer. Enter "P" if the inmate has a potential felony hold, warrant, or detainer. If the inmate has both an active and a potential felony hold, warrant, or detainer, enter "A".

(2) In Box 94, enter "A" if the inmate has an active United States Immigration and Customs Enforcement (USICE) detainer. Enter "P" if the inmate has a potential USICE detainer.

(3) In Box 95, enter "R" if the inmate meets the criteria for an "R" suffix per section 3377.1(b).

(k) Classification Staff Representative (Boxes 117-181):

(1) The CSR determines appropriate housing in keeping with ~~d~~Departmental needs, safety and security, the inmate's placement score and administrative determinants.

(A) The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants. Up to five administrative determinants may be entered in Boxes 156-170.

(B) Reason for administrative or irregular placement (Boxes 179-181).

1. Entered only if the facility's security level where the inmate is placed is not consistent with his/her placement score.

2. Enter one of the administrative determinant's three-letter codes from section 3375.2.

3. CSR approval of an administrative or irregular placement is valid only as long as the inmate's Pplacement Sscore remains within the same facility security level as when the approval was given.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Section 5054, Penal Code.

3377.2. Criteria for Assignment of Close Custody.

(a) ~~Close Custody:~~ Upon review of an inmate's case factors and need for supervision, ~~the a~~ a classification committee shall establish a Close Custody designation in accordance with the case factor criteria established in section 3377.2(b).~~following case considerations when it determines that the inmate meets case factor criteria for either Close A Custody as listed in section 3377.2(b) or for Close B Custody as listed in section 3377.2(c).~~

(1) Upon completing the minimum time requirement for Close Custody as established in 3377.2(b) and being without any finding of guilt for a serious Rules Violation Report for the past 12 months, an inmate's custody shall be considered for reduction by a classification committee. The case factors to be considered in assigning Close Custody include, but are not limited to, the following:

~~(A) the inmate's total term, sentence, or remaining time to serve;~~

~~(B) the inmate's escape history;~~

~~(C) identification of a management concern;~~

~~(D) receipt of an active law enforcement felony hold;~~

~~(E) a finding of guilt for a serious Rules Violation Report (RVR) (see Section 3315);~~

~~(F) an inmate who is considered to be High Notoriety or is designated as a Public Interest Case.~~

(2) Departmental Review Board (DRB) approval is required to assign a Close Custody designation to an inmate who does not meet the case factor criteria established in section 3377.2(b).~~this section. Authorization for the DRB shall be required before extending a Close Custody designation beyond the time constraints established for the most similar group of sentences.~~

(3) Custody determination shall be based on information available at the time of review. An ICC may temporarily assign a Close Custody designation to an inmate, for a maximum of ~~ninety~~ (90) days, pending receipt of documents or verification of information needed to make a final determination.

A classification committee may also temporarily assign a Close Custody designation to an inmate who has postponed the disciplinary hearing of a Rules Violation Report (RVR) that qualifies for Close Custody designation pursuant to section 3377.2(b) pending referral for criminal prosecution until the RVR is adjudicated, not to exceed the minimum requirements for Close Custody as established in sections 3377.2(a)(1) and 3377.2(b). Upon adjudication of the RVR, the case shall be returned to a classification committee within 30 days for custody review.

~~(4) Any inmate being evaluated for reduction of Close Custody shall demonstrate a record of disciplinary free behavior and compliance with behavioral expectations, such as positive programming and participation for the last 12 months prior to the review. The period of time during which an inmate is Unclassified or designated at Maximum Custody shall not count toward fulfilling the required minimum time period to be served at Close Custody as established in section 3377.2(b).~~

~~(5) The Annual Classification Committee review shall include consideration of custody reduction. A period of time during which an inmate is not in the custody of the Department, as defined in section 3000, shall not count toward fulfilling the required minimum time period to be served at Close Custody as established in section 3377.2(b), with an exception granted for inmates housed at a California Out-of-state Correctional Facility (COCF).~~

~~(6) When calculating the time to be served in Close Custody in accordance with the case factor criteria, a classification committee shall count an inmate's behavior conforming to minimum expectations in the California Youth Authority (CYA) Incarceration time served in the Division of Juvenile Justice (DJJ), prior to the inmate's placement in CDCR and during the inmate's current term, shall be counted toward fulfilling the required minimum time period to be served at Close Custody. Staff shall apply the provisions described in sections 3377.2(a)(1) and 3377.2(b) to determine the appropriate custody designation.~~

~~(7) When calculating the time served in Close Custody in accordance with case factor criteria, a classification committee shall not include periods of time that an inmate was serving a determinate or indeterminate term in Security Housing Unit (SHU) or in Administrative Segregation Unit (ASU) or any segregated program housing unit.~~

~~(8) In cases involving an escape, the date of the escapee's return to CDC custody shall be the starting date to be used in calculating the start of the Close Custody time frame.~~

~~(9) An inmate who meets the Close Custody case factor criteria and who also has a documented health care or disability special housing need which cannot be reasonably accommodated in the existing facility shall be referred by classification committee to the Classification Staff Representative (CSR) for transfer consideration.~~

~~(10) An inmate who is identified to be a management concern shall be ineligible for custody reduction consideration below Close B Custody. Upon review and determination that an inmate no longer presents a management concern, a Unit Classification Committee shall refer the case to Institutional Classification Committee (ICC) for review. The ICC may remove the identification of the inmate as a management concern based on consideration of the inmate's long term positive programming, evaluation of the inmate's behavior in custody, and determination that the inmate no longer presents a continuing threat to public safety warranting Close B Custody.~~

~~(11) The classification committee is to consider the inmate's length of term or remaining time to serve in light of the inmate's escape history. An inmate with an escape history shall serve the longest required amount of time before becoming eligible for custody reduction below Close A Custody and shall also serve the longest required amount of time before being eligible for custody reduction below Close B Custody.~~

~~(12 7)~~ An inmate who meets more than one Close A Custody case factor shall be designated Close A Custody for the longest required amount of time before becoming eligible for Close B Custody consideration.

~~(13 8)~~ An inmate who meets more than one case factor for Close B Custody shall serve the longest required amount of time before he or she is to be eligible for consideration of further custody reduction.

~~(14 9) An inmate who is ineligible for further custody reduction based on any exclusionary case factor shall be precluded from further custody reduction. When an inmate paroles or discharges prior to fulfilling the required minimum time period for Close Custody per section 3377.2(b) and later returns to prison, any time remaining to fulfill his Close Custody requirements from his prior term shall not be reimposed. Close Custody shall only be designated based on current case factors, and no credit shall be given for time spent at Close Custody on the prior CDCR term.~~

(10) When an inmate's judgment (commitment) is vacated or recalled and the inmate is subsequently re-sentenced for the same crime event, resulting in discharge of the original CDCR term and re-commitment to CDCR, the new sentence shall be evaluated for Close Custody eligibility. If the inmate's case factors associated with the new sentence require Close Custody, an ICC shall grant credit for time served at Close Custody and/or a lower custody on the discharged CDCR term. If the inmate has not completely fulfilled the required minimum time period for Close A Custody and/or Close B Custody, the inmate shall be required to serve the remaining Close Custody time as specified in 3377.2(b).

~~(15) Upon classification committee review and determination that an inmate meets the Close Custody criteria, the inmate shall be designated Close Custody and shall be required to complete established time frames for Close A Custody and Close B Custody in compliance with Section 3377.2(b) and 3377.2(c). Neither the inmate's projected date of release nor the inmate's earliest possible release date shall override established time frames.~~

~~(16) A classification committee may on a case by case basis consider for Medium A Custody an inmate who otherwise meets the Close Custody criteria [e.g. the minimum time periods for Close A and Close B Custody provided in subsections (b) and (c)] and who has been in CDC custody before March 2000 serving his or her instant offense. The inmate may retain Medium A Custody if the classification committee determines that the inmate's current housing, program, and in-custody behavior do not substantiate a need for supervision and restrictive housing at the level of Close Custody and one of the following conditions are met:~~

~~(A) The inmate has already demonstrated positive programming for an equal or greater period of time at a less restrictive degree of custody during his or her present commitment and a classification committee has determined that the inmate has no history of escape, is not a management concern, is not an LWOP, and has no active law enforcement hold.~~

~~(B) The inmate was not designated Close Custody upon initial period of incarceration and has since served more than half of the required amount of time for Close Custody at a less restrictive degree of custody, and a classification committee has determined that the inmate has no history of escape, has no active law enforcement hold, is not a LWOP, and is not a management concern.~~

~~(C) The inmate is sentenced to a single Life term and has less than two years to be within seven years of MEPD and a classification committee has determined that the inmate does not demonstrate a significant risk of escape, has no history of escape, is not a management concern, and has no active law enforcement hold.~~

(11) Upon discovery of a custody designation error wherein an inmate should have been designated as Close Custody but was not, or was erroneously reduced from Close Custody, a classification committee shall grant credit for time served at the lower custody toward fulfilling the required minimum time period for Close A Custody and/or Close B Custody. After granting credit for time served at the lower custody, if the inmate has not completely fulfilled the required minimum time period for Close A Custody and/or Close B Custody, the ICC shall evaluate the totality of the inmate's case factors to determine whether to impose the remaining Close Custody obligation or allow the inmate to remain at the lower custody designation. The factors used in the ICC's determination not to impose the remaining Close Custody obligation shall be clearly documented in the classification action. If a subsequent ICC has a difference of opinion regarding the initial waiver of Close Custody under this provision, the case shall be presented to DRB.

(12) On a case-by-case basis, an ICC may waive the Close Custody designation for an inmate who otherwise meets the criteria per section 3377.2(b) if, after an evaluation of the individual's case factors, it is determined the inmate has a permanent and severe physical limitation which diminishes the need for direct and constant supervision.

(A) If the inmate's condition improves and/or the inmate subsequently demonstrates a need for direct and constant supervision, ICC shall grant credit for time served at the lower custody toward fulfilling the required minimum time period for Close A Custody and/or Close B Custody. After granting credit for time served at the lower custody, if the inmate has not completely fulfilled the required minimum time period for Close A Custody and/or Close B Custody, the ICC shall impose the appropriate Close Custody designation and the inmate shall fulfill the remaining time at Close Custody as established in section 3377.2(b).

(B) If a subsequent ICC has a difference of opinion regarding the initial waiver of Close Custody under this provision, the case shall be presented to DRB.

~~(b) Close A Custody Case Factor Criteria: An inmate who meets any of the Close A Custody case factor criteria described in this subsection shall be assigned to Close A Custody.~~

~~(1) Lengthy Sentence. An inmate serving a sentence of Life Without the Possibility of Parole (LWOP) shall serve his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for custody reduction consideration.~~

(A) Upon initial classification and custody designation for the current sentence, an inmate serving a sentence of Life Without the Possibility of Parole (LWOP), or serving multiple life terms, or who has 40

years or more remaining to serve as of the date of the initial classification, shall serve at least 3 years at Close A Custody. The inmate shall serve at least 7 years at Close B Custody thereafter.

(B) Upon initial classification and custody designation for the current sentence, an inmate serving a single life term, or who has at least 25 years but less than 40 years remaining to serve as of the date of the initial classification, shall serve at least 1 year at Close A Custody. The inmate shall serve at least 4 years at Close B Custody thereafter.

(C) When a court action, subsequent to an inmate's initial classification and custody designation for the original sentence, increases the inmate's remaining time to serve, and the inmate's time to serve previously did not warrant Close Custody or now requires a longer minimum time period to be served at Close Custody, a classification committee shall grant credit for time served at the lower custody toward fulfilling the required minimum time period for Close A Custody and/or Close B Custody. After granting credit for time served at the lower custody, if the inmate has not completely fulfilled the required minimum time period for Close A Custody and/or Close B Custody, an ICC shall evaluate the totality of the inmate's case factors to determine whether to impose the remaining Close Custody obligation or allow the inmate to remain at the lower custody designation. The inmate's remaining time to serve shall be computed from the date of the classification committee hearing that initially considers the court action. If a subsequent ICC has a difference of opinion regarding the imposition or waiver of Close Custody under this provision, the case shall be presented to DRB.

(D) When a court action, subsequent to an inmate's initial classification and custody designation for the original sentence, decreases the inmate's remaining time to serve, and the time to serve previously warranted Close Custody but no longer does or now requires a shorter minimum time period to be served at Close Custody, a classification committee shall evaluate the inmate for custody reduction within 30 days. The inmate's remaining time to serve shall be computed from the date of the classification committee hearing that initially considers the court action.

(E) Close Custody designation and required minimum time periods for Close Custody shall not be affected by losses and restorations of credit as a result of the Rules Violation Report adjudication process, nor by changes in work group credit earning status.

(F) When a verified administrative error in the computation of the inmate's time to serve is discovered and corrected, which results in the inmate now warranting Close Custody or requiring a longer minimum time period to be served at Close Custody, a classification committee shall grant credit for time served at the lower custody toward fulfilling the required minimum time period for Close A Custody and/or Close B Custody. After granting credit for time served at the lower custody, if the inmate has not completely fulfilled the required minimum time period for Close A Custody and/or Close B Custody, an ICC shall evaluate the totality of the inmate's case factors to determine whether to impose the remaining Close Custody obligation or allow the inmate to remain at the lower custody designation. The inmate's remaining time to serve shall be computed from the date of the classification committee hearing that initially considers the corrected release date. If a subsequent ICC has a difference of opinion regarding the imposition or waiver of Close Custody under this provision, the case shall be presented to DRB.

(2) Lengthy Sentence plus Management Concern and/or Escape History. An inmate who demonstrates a management concern and/or an escape history in addition to serving a lengthy sentence as defined below shall require Close A Custody:

~~(A) An inmate with a management concern and/or an escape history sentenced to a Total Term of 50 years or more shall serve at least his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.~~

~~(B) An inmate with a management concern and/or an escape history who is sentenced to more than one Life sentence shall serve his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.~~

~~(C) An inmate with a management concern and/or an escape history who is sentenced to a Life sentence shall serve at least his or her first year of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.~~

~~(D) An inmate with a management concern and/or an escape history who is sentenced to a total term of fifteen (15) years or more but less than 50 years shall serve at least his or her first year of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.~~

~~(3) An inmate whose precommitment and prior in custody behavior demonstrates no management concern and reflects no escape history, but whose term of incarceration meets any of the following criteria shall require Close A Custody:~~

~~(A) An inmate who is sentenced to a Total Term of 50 years or more shall serve at least his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.~~

~~(B) An inmate who is sentenced to more than one Life sentence shall serve at least his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.~~

~~(C) An inmate who is sentenced to a Life sentence shall serve his or her first year of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.~~

~~(D) An inmate who is sentenced to a total term of fifteen (15) years or more, but less than 50 years, shall serve his or her first year of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.~~

~~(2 4) Escape History. An inmate with a documented escape history (as reflected in State, Federal, local or juvenile criminal history) as described in this section shall be assigned to Close A Custody. For Close Custody purposes only, an inmate who leaves a non-secure facility without permission and without force and who fails to return is not considered to have escaped.~~

~~(A) An inmate convicted of, or whose commitment offense includes, or who is found guilty of a disciplinary report by any law enforcement agency for, Escape With Force or Attempted Escape With Force from any correctional setting or armed escort occurring within the last five (5) years of return to CDC custody shall serve at least his or her first eight (8) years upon receipt in CDC at Close A Custody upon the date of return to CDCR, or upon the initial custody classification, or upon the date of release from segregated housing, whichever occurs later, before he or she shall be eligible for consideration of custody reduction. The inmate shall serve at least 5 years at Close B Custody thereafter.~~

(B) An inmate convicted of, or whose commitment offense includes, or who is found guilty of a disciplinary report by any law enforcement agency for, Escape Without Force or Attempted Escape Without Force ~~From a correctional setting other than a non-secure facility as defined in section 3000, Secure Perimeter or from an Armed Escort within the last five (5) years of return to CDC custody~~ shall serve at least his or her first five (5) years of incarceration upon receipt in CDC at Close A Custody upon the date of return to CDCR, or upon the initial custody classification, or upon the date of release from segregated housing, whichever occurs later, before he or she shall be eligible for consideration of custody reduction. The inmate shall serve at least 5 years at Close B Custody thereafter.

(C) An inmate convicted, or found guilty of a disciplinary report by any law enforcement agency, any serious RVR for plotting or planning to escape from a correctional setting other than a non-secure facility as defined in section 3000 or from an armed escort ~~secure perimeter~~ shall serve at least 2 years at require Close A Custody for two (2) years from the date of the conviction or administrative finding of guilt, from the date charges were adjudicated, whichever is later, before he or she shall be eligible for consideration of custody reduction. or upon the initial custody classification, or upon the date of release from segregated housing, whichever occurs later. The inmate shall serve at least 5 years at Close B Custody thereafter.

~~(3 5) Holds Detainers. An inmate who is subject to an active law enforcement hold as described below shall require Close A Custody as follows: (A) An inmate verified to be subject to with an active law enforcement hold detainer for an offense with a possible penalty of death, lifetime incarceration, or a total term of 50 years or more that could result in sentencing as an LWOP, to serve Multiple Life Terms, or to serve a Determinate Sentence or Total Term of 50 years or more shall require~~ serve at least 3 years at Close A Custody upon placement of the detainer. Thereafter, the inmate shall be assigned no less restrictive custody than Close B Custody until the detainer is removed. for at least five (5) years from the date of receipt of the hold unless the hold is removed. After an initial five (5) years at Close A Custody, the inmate shall be eligible to be considered for custody reduction to Close B Custody.

~~(B) An inmate verified to be subject to an active law enforcement hold for an offense that could result in sentencing to a Total Term of Life or a determinate term or Total Term of fifteen (15) years or more shall require Close A Custody for at least one (1) year from the date of receipt of the hold unless the hold is removed. After at least one (1) year at Close A Custody, the inmate shall be eligible for consideration for custody reduction to Close B Custody.~~

~~(4 6) Disciplinary History. An inmate who was found guilty of a serious RVR or convicted of an offense in custody as described in this subsection shall require Close A Custody as follows:~~

(A) An inmate convicted of, or whose commitment offense includes, or who is found guilty of a disciplinary report by any law enforcement agency for, an in-custody Murder of A Non-Inmate or convicted of an in-custody Murder of A Non-Inmate shall be designated Close A Custody following his or her release from SHU. Close A Custody is required during the inmate's remaining Total Term after release from SHU. Custody shall not be reduced from Close A Custody.

(B) An inmate convicted of, or whose commitment offense includes, or who is found guilty of a disciplinary report by any law enforcement agency for, an in-custody Murder of an Inmate or convicted of an in-custody Murder of an Inmate within the last six ~~(6)~~ 10 years shall serve at least the subsequent six (6) years at Close A Custody, following release from SHU before he or she shall be eligible for

~~consideration of further custody reduction. The inmate shall serve at least 4 years at Close B Custody thereafter.~~

~~(7) Notoriety. An inmate designated as a Public Interest Case or who is considered to have High Notoriety shall serve at least his or her first five (5) years in Close A Custody before he or she shall be eligible for consideration of further custody reduction.~~

~~(c) Close B Custody Case Factor Criteria: An inmate who meets the Close B Custody case factor criteria described in this subsection shall be assigned to Close B Custody.~~

~~(1) Life Without Possibility of Parole. Upon completing five (5) years at Close A Custody, an inmate who is sentenced to LWOP shall serve at least the subsequent ten (10) years at Close B Custody. An inmate who is designated as an LWOP shall be ineligible for further reduction of custody below Close B Custody until after at least a total of fifteen (15) years at Close Custody. Level IV housing is required for the inmate's Total Term unless the DRB authorized Level III housing as a result of a case-by-case review.~~

~~(2) Lengthy Sentence Plus Management Concern or Escape history. An inmate who is sentenced to a lengthy sentence and who demonstrates a management concern and/or an escape history as defined below shall require Close B Custody:~~

~~(A) Upon completing at least five (5) years at Close A Custody, an inmate who demonstrates a management concern and/or an escape history and who is sentenced to a Total Term of 50 years or more shall be assigned no less restrictive custody than Close B Custody. The inmate shall be ineligible for further reduction of custody.~~

~~(B) Upon completing at least five (5) years at Close A Custody, an inmate who demonstrates a management concern and/or an escape history and who is sentenced to more than one Life sentence shall be assigned no less restrictive custody than Close B Custody. The inmate shall be ineligible for further reduction of custody.~~

~~(C) Upon completing at least one (1) year at Close A Custody, an inmate who demonstrates a management concern and/or an escape history and who is sentenced to a Life sentence shall be assigned no less restrictive custody than Close B Custody. The inmate shall be ineligible for further reduction of custody.~~

~~(D) Upon completing at least one (1) year at Close A Custody, an inmate who demonstrates a management concern and/or an escape history and who is sentenced to a Total Term of fifteen (15) years or more, but less than 50 years, shall be assigned to no less restrictive custody than Close B Custody. The inmate shall be ineligible for further reduction of custody.~~

~~(3) Lengthy Sentence. An inmate who demonstrates no management concerns and no escape history, but is sentenced to a Total Term as defined below shall require Close B Custody.~~

~~(A) Upon completing at least five (5) years at Close A Custody, an inmate who demonstrates no management concerns and no escape history, and is sentenced to a Total Term of 50 years or more shall serve the subsequent ten (10) years at Close B Custody.~~

~~(B) Upon completing at least five (5) years at Close A Custody, an inmate who demonstrates no management concerns and no escape history, but who is sentenced to more than one Life sentence shall be assigned to Close B Custody. He or she must be within seven (7) years of his or her Minimum Eligible Parole Date (MEPD) before he or she is eligible for further reduction of custody.~~

~~(C) Upon completing at least one (1) year at Close A Custody, an inmate who demonstrates no management concerns and no escape history, and who is sentenced to a Life sentence shall be assigned to Close B Custody. He or she must be within seven (7) years of his or her MEPD before he or she is eligible for further reduction of custody. An inmate sentenced to Life may be considered for placement in a designated Level II facility when the inmate has a Level II Classification Score, is otherwise eligible for housing in a Designated Level II facility, and meets criteria per CCR Section 3375.2(a)(7). However, an inmate identified as a serial killer shall be excluded from Level I or Level II placement even if his or her convictions for murders are prosecuted separately.~~

~~(D) Upon completing at least one (1) year at Close A Custody, an inmate who demonstrates no management concerns and no escape history, and is sentenced to a Total Term of fifteen (15) years or more, but not more than 50 years, shall serve the subsequent four (4) years at Close B Custody before he or she is eligible for further reduction of custody. Such an inmate may be considered for placement in a Designated Level II Facility when the inmate has a Level II Classification Score, is otherwise eligible for housing in a Designated Level II facility, and meets criteria per CCR Section 3375.2(a)(7).~~

~~(4) Escape History. An inmate with a documented escape history as described in this section shall be assigned to Close B Custody:~~

~~(A) Upon completing at least eight (8) years at Close A Custody, an inmate who is convicted of or found guilty of a serious RVR or whose commitment offense includes Escape With Force or Attempted Escape With Force from any correctional setting or armed escort shall serve the subsequent two (2) years at Close B Custody before he or she shall be eligible for further reduction of custody. Following completion of the required Close B Custody period, an inmate with an escape history shall be eligible for custody reduction to Medium A Custody, but shall be housed in no less than a Designated Level II facility for a minimum of three (3) years before he or she shall be eligible for less restrictive housing. The inmate shall be ineligible for Minimum Custody.~~

~~(B) Upon completing at least five (5) years at Close A Custody, an inmate convicted of or whose commitment offense includes Escape Without Force or Attempted Escape Without Force From Secure Perimeter Facility or Armed Escort shall serve the subsequent five (5) years at Close B Custody before he or she shall be eligible for further reduction of custody. Following completion of the required Close B Custody period, an inmate with an escape history shall be eligible for custody reduction to Medium A Custody, but shall be housed in no less than a Designated Level II facility for a minimum of three (3) years before he or she shall be eligible for less restrictive housing. The inmate shall be ineligible for Minimum Custody.~~

~~(C) Upon completing at least two (2) years at Close A Custody, an inmate involved in a documented plot to escape from a secure perimeter facility shall serve the subsequent two (2) years at Close B Custody before he or she shall be eligible for further reduction of custody. Following completion of the required Close B Custody period, an inmate with an escape history shall be eligible for custody reduction to Medium A Custody, but shall be housed in no less than a Designated Level II facility for a minimum of three (3) years before he or she shall be eligible for less restrictive housing. The inmate~~

~~shall be ineligible for Minimum Custody. An inmate with a history of walkaways from nonsecure settings shall not be placed in minimum custody settings for at least ten (10) years following the latest walkaway.~~

~~(5) Holds. An inmate who is subject to an active law enforcement hold as described below shall require Close B Custody as follows:~~

~~(A) After at least five (5) years at Close A Custody, an inmate verified to be subject to an active law enforcement hold for an offense that could result in sentencing as an LWOP, to Multiple Life Terms, or to a Determinate Sentence or Total Term of 50 years or more shall be Close B Custody until the hold is removed.~~

~~(B) After at least one (1) year at Close A Custody, an inmate verified to be subject to an active law enforcement hold for an offense that could result in sentencing to a Total Term of Life or a determinate term or Total Term of fifteen (15) years or more shall be Close B Custody until the hold is removed.~~

~~(6) Disciplinary History. An inmate whose disciplinary history includes any of the criteria described in this subsection shall require Close B Custody:~~

~~(A) An inmate found guilty of an in-custody serious RVR for the Murder of a Non-Inmate or convicted of Murder of a Non-Inmate shall require Close A Custody during his or her remaining term after release from SHU. The inmate shall be ineligible for Close B Custody or any reduction of custody.~~

~~(B) Upon completing at least six (6) years at Close A Custody, an inmate found guilty of an in-custody serious RVR for the Murder of an Inmate or convicted of Murder of an Inmate shall serve the subsequent four (4) years at Close B Custody before he or she shall be eligible for consideration of further reduction of custody.~~

~~(C) An inmate found guilty of a Division A-1 or Division A-2 serious RVR, as set forth in CCR Section 3323, or who is determined by a classification committee to demonstrate a pattern of, or a continuing propensity for, violence, escape or narcotic distribution, shall serve at least 1 year at Close A Custody. The inmate shall serve at least two (2) years at Close B Custody before he or she shall be eligible for consideration of further reduction of custody thereafter.~~

~~(D) An inmate designated as a former gang member ("dropout") shall be required to undergo a period of observation and be designated by classification committee action as a Close B Custody inmate for one (1) year before he or she shall be eligible for consideration of further reduction of custody.~~

~~(7) Notoriety. After at least five (5) years at Close A Custody, an inmate designated as a Public Interest Case or determined to have High Notoriety shall serve at least five (5) years in Close B Custody before consideration of further reduction of custody.~~

(5) Inactive Prison Gang Member or Associate. An inmate being reduced from Maximum Custody due to reclassification as an inactive prison gang member or associate shall serve at least 1 year at Close B Custody.

(6) Security Concern. When the ICC determines the inmate is a Security Concern as defined in section 3000, the ICC shall assign a Close B Custody designation. The ICC shall review the case and evaluate

the need to continue the Security Concern designation no less than annually. Upon designation as a Security Concern, ICC shall refer the case to a Classification Staff Representative for application of the SEC administrative determinant. If an inmate has been designated as a Security Concern for two years and upon ICC review the committee determines continued Close B Custody is necessary, the case shall be referred to DRB for approval.

(c) An inmate received into CDCR on or before June 30, 2012, shall be subject to the Close Custody criteria established July 1, 2012 in section 3377.2 as follows in this subsection. In addition, any new case information received on or after July 1, 2012, or RVR adjudicated on or after July 1, 2012, shall be subject to the Close Custody criteria established July 1, 2012 in section 3377.2

(1) An inmate who is unclassified on July 1, 2012, shall be subject to the Close Custody criteria established July 1, 2012 in section 3377.2.

(2) An inmate who is Minimum Custody or Medium Custody on July 1, 2012, shall not be increased to Close Custody solely due to the implementation of the Close Custody regulations established July 1, 2012 in section 3377.2.

(3) An inmate who is Close B Custody on July 1, 2012, shall be granted credit for time served at that custody toward fulfilling the required minimum time period for Close B Custody, as established in the Close Custody criteria established July 1, 2012 in section 3377.2(b). If the Close B Custody criteria established July 1, 2012 in section 3377.2(b) require the inmate to serve a greater time period of Close B Custody, the inmate shall serve the time period required pursuant to the Close B Custody criteria established July 1, 2012. An inmate designated as Close B Custody shall not be increased to Close A Custody solely due to the implementation of the Close Custody regulations established July 1, 2012.

(4) An inmate who is Close A Custody on July 1, 2012, shall be granted credit for time served at that custody toward fulfilling the required minimum time period for Close A Custody, as established in the Close Custody criteria established July 1, 2012 in section 3377.2(b). If the Close A Custody criteria established July 1, 2012 in section 3377.2(b) require the inmate to serve a greater time period of Close A Custody, the inmate shall serve the time period required pursuant to the Close A Custody criteria established July 1, 2012.

(5) An inmate who is Maximum Custody on July 1, 2012, for a reason that does not require Close Custody, shall be subject to section 3377.2(c)(1) through section 3377.2(c)(4) during the first classification committee review reducing the inmate from Maximum Custody. The inmate's custody designation prior to the Maximum Custody designation shall be considered with the applicable section [3377.2(c)(1) through 3377.2(c)(4)].

An inmate who is Maximum Custody on July 1, 2012, for a reason that requires Close Custody, shall be subject to the Close Custody criteria established July 1, 2012 in section 3377.2 during the first classification committee review reducing the inmate from Maximum Custody.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; Americans With Disability Act (ADA), 42 U.S.C. § 12131, et seq.; and Pennsylvania Department of Corrections v. Yeskey (1998) 524 U.S. 206.

3521.2. Residential Multi-Service Center Program.

Subsections 3521.2(a) through 3521.2(c) are unchanged.

(d) The following parolees will be considered on a case-by-case basis for participation in the RMSC Program:

- (1) Parolees who have a past or current violent felony conviction pursuant to PC section 667.5(c).
- (2) Parolees who have a current felony conviction pursuant to PC section 1192.7(c) and/or 1192.8.
- (3) Civil addict commitments.
- (4) Parolees with a misdemeanor hold.
- (5) Parolees who are designated ~~high-notoriety~~ as a Public Interest Case.
- (6) Parolees who have a restraining order/court order and/or victim notification in the county of the RMSC facility.
- (7) Street gang members.
- (8) Validated prison gang members.

Subsection 3521.2(e) is unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.03, 3068 and 5054, Penal Code.